

IN THE UNITED STATES DISTRICT COURT FOR  
DISTRICT OF NEW JERSEY

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HORIZON BLUE CROSS BLUE SHIELD  
OF NEW JERSEY,

PLAINTIFF-COUNTERCLAIM-  
DEFENDANT/RESPONDENT,

V. CIVIL ACTION

CASE NO. 3:23-cv-22822-MAS-DEA

SPEECH & LANGUAGE CENTER, LLC  
AND CHRYSSOULA MARINOS-ARSENIS,  
JOHN DOES 1-10, AND  
ABC CORPORATIONS 1-10,

DEFENDANTS/COUNTER-  
CLAIMANTS/MOVANTS.

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Motion for Leave to File Under Seal

Chryssoula Marinos-Arsenis  
Speech and Language Center, L.L.C  
Appellants  
65 Mountain Blvd #207  
Warren NJ 07059  
732-302-0027  
[Speechandlanguage@gmail.com](mailto:Speechandlanguage@gmail.com)

Dear Honorable Judge Shipp,

I, the undersigned behalf Chryssoula Arsenis, in the above-captioned case to respectfully request permission to file certain documents under seal, in order to prevent a potential violation of the Health Insurance Portability and Accountability Act (HIPAA).

The documents that we seek to file under seal contain confidential medical information protected by HIPAA. These records pertain to the treatment, diagnosis, and personal health information of individuals involved in this case.

It is of utmost importance to protect the privacy rights and confidentiality of the individuals whose medical records are at issue. HIPAA regulations impose strict requirements on the disclosure and safeguarding of protected health information.

Filing these documents publicly, without proper precautions, would risk a violation of HIPAA regulations and compromise the privacy and confidentiality rights of the individuals involved. The potential harm that can arise from such a violation is significant and can lead to legal and ethical consequences.

Requesting leave to file under seal is necessary to ensure compliance with HIPAA and to protect the sensitive medical information contained within the documents.

By filing under seal, the court can maintain the necessary level of confidentiality while still allowing for a fair and just resolution of the case.

We hereby certify that the statements made in this motion are true and accurate to the best of our knowledge. We are aware of the importance of maintaining the privacy and confidentiality of protected health information, and we assure the court that the requested sealing is necessary to prevent a HIPAA violation.

Thank you for your attention to this matter. We kindly request, that you consider our motion and provide guidance on the proper course of action to protect the privacy rights of the individuals involved.

01/22/2024

Respectfully Submitted,

CC. Patricia Lee

Chryssoula Marinos-Arsenis

## Memorandum in Support of Sealing Document Pursuant to HIPAA

I, the Chryssoula Arsenis, in the above-captioned case, respectfully submit this memorandum in support of our request to seal certain documents, as they contain protected health information (PHI), which falls under the purview of the Health Insurance Portability and Accountability Act (HIPAA). This memorandum sets forth the legal basis for sealing these documents to maintain compliance with HIPAA regulations and protect the privacy rights of the individuals involved.

### II. Legal Basis for Sealing Documents under HIPAA

#### A. HIPAA Privacy Rule

The HIPAA Privacy Rule establishes national standards for protecting certain health information, known as PHI, held by covered entities and their business associates.

45 CFR §164.502: General Rules

45 CFR §164.504: Uses and Disclosures of PHI

45 CFR §164.508: Uses and Disclosures for Judiciary and Administrative Proceedings

The Privacy Rule recognizes the importance of safeguarding PHI, including medical records, and imposes obligations on covered entities to protect the confidentiality, integrity, and availability of such information.

#### B. Disclosure of PHI in Judicial Proceedings

The Privacy Rule permits the disclosure of PHI in judicial proceedings, subject to certain conditions and safeguards.

45 CFR §164.512(e): Uses and Disclosures for Judicial and Administrative Proceedings

When disclosing PHI in a judicial proceeding, covered entities must ensure that the disclosure is consistent with applicable law and obtain reasonable assurances from the recipient regarding the protection of the information.

#### C. Sealing Documents to Protect PHI

Sealing documents containing PHI is a recognized method to protect the privacy and confidentiality of such information during judicial proceedings.

Courts have the authority to order the sealing of documents containing PHI to prevent unauthorized disclosure and maintain compliance with HIPAA regulations.

### III. Application to the Present Case

#### A. Confidential Medical Information in the Proposed Document

The proposed document contains confidential medical information, including treatment records, diagnoses, and personal health information related to the individuals involved in this case.

This information constitutes PHI as defined under HIPAA and is subject to the protections and obligations set forth by the Privacy Rule.

#### B. Risk of HIPAA Violation

Filing the proposed document without sealing it would risk a violation of HIPAA, as it would potentially expose confidential medical information to public scrutiny.

A HIPAA violation could lead to legal and ethical consequences for the disclosing party, as well as harm to the privacy rights and well-being of the individuals whose information is at stake.

#### C. Balancing Privacy Rights and Public Access

While there is a general presumption of public access to court documents, this presumption must be balanced against the privacy rights and confidentiality interests protected by HIPAA.

Sealing the proposed document is necessary to strike an appropriate balance between the public's right to access information and the need to protect sensitive medical information.

#### IV. Conclusion

In light of the legal basis provided above, we respectfully request that this honorable court grant our request to seal the documents containing PHI, pursuant to HIPAA. By doing so, the court will ensure compliance with HIPAA regulations, protect the privacy rights of the individuals involved, and prevent any potential unauthorized disclosure.

Thank you for your attention to this matter. We trust that this memorandum provides a clear and compelling legal basis for sealing the proposed document under HIPAA.